

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KATHLEEN A. MARTIN,

Plaintiff,

v.

MERCK & CO., INC., et al.

Defendants.

CIVIL ACTION No. 05-11716-MLW

**MOTION FOR LEAVE TO FILE REPLY TO PLAINTIFF'S OPPOSITION TO
MERCK'S MOTION TO STAY**

Defendant Merck & Co., Inc. ("Merck"), through its undersigned counsel, hereby requests leave of the Court, pursuant to Local Rule 7.1(B)(3), to file a Reply to Plaintiff's Opposition to Merck's Motion to Stay, filed herewith. As grounds for this Motion, Merck states that the Reply Brief is necessary to correct factual misstatements contained in Plaintiff's opposition brief. Merck believes that consideration of the Reply Brief will be helpful to the Court in resolving the pending motion. respectfully moves for leave to file a Reply to Plaintiff's Opposition to Merck's Motion to Stay.

MERCK & CO., INC.

By its attorneys:

/s/ Lucy Fowler

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Dated: September 26, 2005

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing document was served on September 26, 2005 electronically upon:

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/s/ Lucy Fowler

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for defendant Merck & Co. Inc. conferred with counsel for plaintiff on this motion, and that counsel for plaintiff does not assent to this motion.

/s/ Lucy Fowler
Lucy Fowler